

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE MAY 13, 2014 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, May 13, 2014 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Acting Chairman Richard Corley called the meeting to order.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Richard Corley, Vice Chairman
Everett O'Donnell
Attilio Iacobucci
Beverly Sturdahl

Alternates: Paul Wyrostek
 Julie Finn

Also present: Peter Ruggiero, Esq., City Solicitor
 Richard Crenca, Warwick Planning Department
 Carol Chevalier, Secretary
 Mary Ellen Hall, Stenographer

The Chairman entertained a motion to accept the minutes from the March 11, 2014 hearing. A motion was made by Attilio Iacobucci, seconded by Everett O'Donnell and passed unanimously by the Board.

The Chairman entertained a motion to accept the minutes from the April 8, 2014 hearing. A motion was made by Attilio Iacobucci, seconded by Julie Finn and passed unanimously by the Board.

The Chairman declared a quorum. The Chairman asked if there were any petitions to be withdrawn or continued.

Petition #10127

Ward 5

300 Blackstone Avenue

The petition of Mark Albert, Trustee, 300 Blackstone Avenue, Warwick, RI, for a request for a dimensional variance to construct an addition to existing legal non-conforming guest house, proposed addition having less than required front yard setback, southerly side of Blackstone Avenue (300), Warwick, RI, Assessor's Plat 382, Lots 97 & 98, zoned Residential A-40.

John Revens, Jr., representing the petitioner, was present.

He requested that the petition be continued to the June 10, 2014 hearing. He stated that his client hired a firm to submit the application and there are errors on the abutters list.

A motion was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board that this petition be CONTINUED until the June 10, 2014 hearing.

Petition #10125

Ward 9

24 Lantern Lane

The petition of Daniel J. Magnamini, 24 Lantern Lane, Warwick, RI, for a request for a dimensional variance to construct a two car attached garage on existing dwelling with less than required front yard setback and convert existing garage to living space, existing garage having less than required side yard setback, easterly side of Lantern Lane (24), Warwick, RI, Assessor's Plat 235, Lot 102, zoned Residential A-15.

Daniel Flaherty, Esq., representing the petitioner was present.
Daniel Magnamini, petitioner, was present.

The attorney for the petitioner stated that his client is proposing to construct a two car garage towards the front of the existing dwelling. They would convert the existing garage to living space. The relief requested is from the front yard for the new garage and the side yard for the existing garage to living space. The house is not exactly square on the lot.

There were two neighbors present in opposition.

Margaret Samuelian and Leon Samuelian, 29 Lantern Lane.

They stated that they live directly across the street from the petitioner's. They are concerned about congestion on the street. The garage would be closer to the street and would make the driveway smaller and people going to the property would be parked on the street.

The attorney stated that the driveway would accommodate four vehicles.

Mr. O'Donnell stated that the proposed change is minor and with that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED.

Petition #10126

Ward 5

254 Trent Avenue

The petition of Seth Sorbel, 254 Trent Avenue, Warwick, RI, for a request for a dimensional variance to construct a 20' x 25' addition on existing dwelling, proposed addition having less than required side yard setback, southeasterly corner of Trent Avenue (254) and Sandy Lane, Warwick, RI, Assessor's Plat 349, Lot 675, zoned Residential A-7.

The Chairman called the petition. There was no one present at the time. He stated that the petition would be held to the end.

Petition #10123

Ward 3

2381 Post Road

The petition of Joni Auto Rentals, Inc., P.O. Box 7368, Warwick, RI, & Melvin's Tire Pro's, 2381 Post Road, Warwick, RI, for a request for a use variance to remove a 42 square foot portion of existing freestanding ground sign and construct a new 24.76 square foot Led digital sign, existing sign legal non-conforming, westerly side of Post Road (2381), Warwick, RI, Assessor's Plat 344, Lots 62 & 64, zoned General Business.

John Mancini, Esq. representing the petitioner was present.
James Melvin, owner of Melvin's Tire Pro's, was also present.

Richard Crenca, Warwick Planning Department, presented nine (9) stipulations to the Board.

The attorney stated that the petitioner does not have an issue with the stipulations except for #5 regarding the number of colors. There is a logo that his client needs to depict and the limit on the number of colors would not enable him to comply with the logo requirements. The proposed sign is smaller, half the size of the one denied by the Board in January.

Mr. Melvin stated that there has been no change since the last hearing that customers are having a difficult time identifying the business. The visibility on the roadway is limited. The business has not been very successful for the two years it has been in operation.

The Chairman stated that the businesses have been having a tough time. He does not agree that the sign is a distraction. The sign would bring modernization to the area and is a positive step.

Paul Wyrostek stated that people have distractions in their own cars. The sign compares with other signs that are located in Warwick. He has been in business for 25 years and realizes the need for a sign. The sign would not be a distraction.

Richard Corley stated that the property is located on Post Road and it is a highly traveled roadway. There are mainly businesses on Post Road. Many banks have the LED signs. The sign is a tasteful modern sign. That the sign would not be a distraction and a static message that would only change once per hour. With that statement he made a motion to approve the petition.

The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10128

Ward 6

2096 West Shore Road

The petition of Robert Simone, 60 Gentry Way, Scituate, RI, for a request for a use variance and dimensional variance to have an LED sign on subject property, proposed sign having less than required front yard setback, southwesterly corner of West Shore Road (2096), Oakland Beach Ave. & Tarleton St., Warwick, RI, AP 360, Lots 775, 776, 777 & 784, zoned General Business.

Joseph Altieri, Esq., representing the petitioner was present.

Robert Simone, petitioner, 60 Gentry Way, Scituate, was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record and stated that he would like the same stipulations placed on this petition as the previous petition.

The attorney stated that the petition is similar to the previous application. That he has no objection to the restrictions. The sign would be located on the parking lot and would be surrounded by asphalt. The sign is a monument style sign. The LED portion of the sign would be located within the monument sign. The LED portion would be 2' x 8' and the structure would be 9' x 10'. They can adjust the static display. They are in the process of remodeling the building they are making the building smaller and downsizing.

Mr. O'Donnell asked if they could install some landscaping.

The petitioner stated that the property line is almost to the street because of changes in the roadway.

The Chairman stated that the sign is attractive and would not be a distraction. The Board tries to do everything they can for small businesses.

Mr. Corley stated that the stone structure is attractive and made a motion to approve the petition with the stipulations of the Planning Department. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10129

Ward 9

Robert Avenue

The petition of Structures Unlimited, 11 Overlook Drive, Warwick, RI, for a request for a dimensional variance to construct a single-family dwelling (approximately 28' x 30') with an attached 8' x 28' deck on subject property, subject property being an undersized non-conforming lot, proposed dwelling and deck having less than required side yard setbacks, westerly side of Robert Avenue, Warwick, RI, Assessor's Plat 201, Lot 96, zoned Residential A-10.

K. Joseph Shekarchi, Esq., representing the petitioner, was present.
George Arnold, applicant, was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

The attorney stated that his client agrees to all of the stipulations presented. The petitioner stated that his client is proposing to build a dwelling on the property. There are newer homes being built in the area. There was a house approved to be built across the street on the same size lot. They are not seeking relief for height. The house is in a flood zone so the first level cannot be used for living space.

There was discussion between the Board, the Planning representative and the petitioner regarding the need for three floors.

Richard Corley stated that he thanks the Planning Department for information on limiting the size the dwelling and that he does not feel the need to exercise it. The property is near the water and the first floor cannot be occupied. The petitioner needs to protect the mechanicals. He cannot see a reason to limit the size when the house is under the height requirements. The petitioner agreed to the stipulations and he feels that number one should be removed. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10130

Ward 3

Brentwood Avenue

The petition of James Gregory Dinoble & Zarella & Associates, LLC, 2 Olsons Way, East Greenwich, RI for a request for a dimensional variance to construct a 24' x 26' dwelling with an attached 10' x 10' deck on subject property, subject property being an undersized non-conforming lot, easterly side of Brentwood Avenue (vacant lot to left of #150 Brentwood Ave.), Warwick, RI, Assessor's Plat 348, Lot 105, zoned Residential A-7.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Sanford Resnick, representing the petitioner, was present.
Gerald Zarella, Jr., petitioner, was also present.

The attorney stated that the property was platted in 1927. There have been two owners since one in 1932 and one in 1977. The property is not in common ownership with any of the adjoining properties and has never been. The subject property is an undersized non-conforming lot. The proposed dwelling meets all of the setback requirements. The only relief requested is for lot area, frontage and width.

Susan St. Marton, 145 Everglade Avenue, was present in objection.

She stated that area is developed with lots 9,000 square feet and above. The dwelling would not be in character with the houses in the area. The area has mainly ranch style homes. This enable other property owners to split their lots.

The Chairman explained that the lot is a stand alone lot and that the property owners cannot go and just split their lots without seeking approval.

Paul Hamel, 153 Inman Avenue, was present in objection.

He stated that the lot is too small to develop and would not be in keeping with the area.

Paul Wyrostek stated that the petition does not request any setback relief. The petitioner has a right to build. The dwelling is within the allowable height. To deny the petitioner would deny all beneficial use of the property. With that statement he made a motion to approve the petition with the stipulations from the Planning Department. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10126

Ward 5

254 Trent Avenue

The petition of Seth Sorbel, 254 Trent Avenue, Warwick, RI, for a request for a dimensional variance to construct a 20' x 25' addition on existing dwelling, proposed addition having less than required side yard setback, southeasterly corner of Trent Avenue (254) and Sandy Lane, Warwick, RI, Assessor's Plat 349, Lot 675, zoned Residential A-7.

The Chairman called this petition again. There was no one present the represent the petition.

A motion was made by Everett O'Donnell, seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be CONTINUED to the June 10th hearing.

The Chairman adjourned the hearing at 8:30 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman